Kent W. Plott (USB No. 5336) Mark S. Middlemas (USB No. 9252) Lundberg & Associates 3269 South Main Street, Suite 100 Salt Lake City, UT 84115 (801) 263-3400 (801) 263-6513 (fax) LundbergECFmail@lundbergfirm.com

Attorneys for Federal National Mortgage Association L&A Case No. 11-11555

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH CENTRAL DIVISION

In re:

Bankruptcy No. 11-27943 WTT

Bruce Gilbert McCutcheon and Lisa Diane
McCutcheon,

Gauge Chapter 7 case)

Filed Electronically

Debtors.

NOTICE OF MOTION OF FEDERAL NATIONAL MORTGAGE ASSOCIATION FOR TERMINATION OF THE AUTOMATIC STAY AND NOTICE OF OPPORTUNITY FOR HEARING

OBJECTION DEADLINE: July 26, 2011

TO ALL PARTIES IN INTEREST:

<u>YOUR RIGHTS MAY BE AFFECTED.</u> You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

Please take notice that the Motion for Termination of the Automatic Stay filed by secured creditor Federal National Mortgage Association ("Creditor") in this case will come on for hearing before the Honorable William T. Thurman on August 25, 2011, at the hour of 10:30 a.m., in Room 2B or such other room as may be assigned, Washington County, 5th District Court, State of Utah, 206 West Tabernacle Street, St. George, Utah 84770.

Creditor's motion seeks an order of the Court terminating the automatic stay with respect to property (the "Property") in which debtors have an interest, said Property being located at 163 South Main Street, St. George, in Washington County, Utah, and more particularly described as follows:

The North one-half (N1/2) of Lot 3, Block 12, Plat "A" of the St. George City Survey.

Together with all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property.

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE COURT ON OR BEFORE THE OBJECTION DEADLINE SET FORTH BELOW.

If you do not want the Court to grant relief from the automatic stay, or if you want the Court to consider your views on the motion, then, on or before July 26, 2011 (14 days from the date of this notice plus 3 days for mailing), you or your attorney must:

1. File with the Court a written response explaining your position at:

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United States Bankruptcy Court 350 South Main Street, Room 301 Salt Lake City, UT 84101

If you mail your response to the Court for filing, you must mail it early enough so the Court will **receive** it on or before the date stated above.

2. Serve a copy of your response upon the following via ECF or U.S. mail:

Lundberg & Associates 3269 South Main Street, Suite 100 Salt Lake City, UT 84115 Attorneys for Creditor

Michael F. Thomson Durham Jones & Pinegar 111 East Broadway, Suite 900 PO Box 4050 Salt Lake City, UT 84110-4050 Trustee

3. Attend the hearing scheduled to be held as set forth in this notice. **There will be no further notice of the hearing** and failure to attend the hearing will be deemed a waiver of your objection.

If you intend to call witnesses or make a presentation of facts or law at this hearing that will extend beyond 5 minutes, please inform Lundberg & Associates at once at (801) 263-3400 so that, in the event time for such a presentation is inadequate, the hearing may be rescheduled on a date when there will be sufficient time on the Court's calendar.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting relief. Case 11-27943 Doc 17 Filed 07/07/11 Entered 07/07/11 15:48:20 Desc Main

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In the absence of a timely response/objection, the relief sought in the Pleading may be

granted without a hearing under 11 U.S.C. Section 102(1) and Local Court Rule 4001-1.

Creditor hereby agrees to waive §362(e) providing for relief thirty (30) days after filing the

Motion for Relief and to schedule the hearing outside the thirty (30) day timeframe.

Be further advised that the debtors and the Creditor may, without further notice or hearing,

settle between themselves the issues raised by Creditor's motion pursuant to stipulation which

allows the debtors to cure their post-petition arrearage and grants relief from the automatic stay to

the Creditor in the event the debtors fail to comply with the terms of the stipulation.

DATED: July 7, 2011

LUNDBERG & ASSOCIATES

Kent W. Plott

Attorneys for Creditor

CERTIFICATE OF NOTIFICATION

I certify that on July 7, 2011 I sent a copy of the Motion for Termination of the Automatic

Stay and the foregoing Notice of Opportunity for Hearing, electronically or by first class mail, to

each of the following:

Kevin Anderson

ECF

Chapter 7 Trustee

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Michael Thomson Durham Jones & Pinegar ECF

Chapter 7 Trustee

Bruce Gilbert McCutcheon Lisa Diane McCutcheon 163 Main Street South St. George, UT 84770 Pro Se Debtors

> /s/ Kent W. Plott